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Docket No.: 3553-4018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Jay S. Walker et al.

Group Art Unit: 2165

Serial No : 09/252,574

Examiner: Rosen, N.

Filed : February 18, 1999

For : SYSTEM AND METHOD FOR ALLOCATING BUSINESS TO ONE OF
PLURALITY OF SELLERS IN A BUYER DRIVEN ELECTRONIC
COMMERCE SYSTEM

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TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321

Identity of Assignee

The petitioner, priceline.com Incorporated, having a business address at 800 Connecticut Avenue, Norwalk, CT 06854 is the owner of the entire right, title and interest in the above-identified application, Serial No. 09/252,574, and US Patent No. 5,794,207.

Identification of Person(s) Making This Disclaimer

Name of disclaimant: Walter G. Hanchuk of Morgan & Finnegan, 345 Park Avenue, New York, NY 10154. Disclaimant represents that he is a Registered Patent Attorney, Registration No. 35,179, and an Attorney of Record for the above identified application, and authorized to sign on behalf of the assignee identified above.

Extent of Interest

07/11/2001 MFLETCHER 00000001 134500 09252574

The extent of assignee's interest is in the whole of this invention.

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Terminal Disclaimer
U.S. Ser. No.: 09/252,574

Docket No. 3553-4018

Declaration Under 37 C.F.R. 3.73(b)

I, the undersigned, have reviewed all the documents in the chain of title of the patent application identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

Disclaimer in View of Prior US Patent

The petitioner, through its Attorney of Record, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,794,207. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is

Terminal Disclaimer
U.S. Ser. No.: 09/252,574

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statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Fee Status

(37 C.F.R. 1.20(d) and 37 C.F.R. 1.321)

- ☒ other than a small entity--fee \$110.00
☐ small entity \$55.00

Fee Payment

- ☐ Attached is a check in the sum of \$110.00.
☒ Charge Deposit Account 13-4500, Order No. 3553-4018 any fee required by this paper.
☐ Charge Account 13-4500, Order No. _____ the sum of _____.

AUTHORIZATIONS:

The Assistant Commissioner is hereby authorized to charge any additional fees which may be required for timely consideration of this Amendment under 37 C.F.R. §§1.16 -§1.20 or credit any overpayment to Deposit Account No. 13-4500, Order No. 3553-4018.

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U.S. Ser. No.: 09/252,574

Docket No. 3553-4018

A DUPLICATE COPY OF THIS DISCLAIMER IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Date: July 9, 2001

By: _____

Walter G. Hanchuk

Registration No. 35,179

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MORGAN & FINNEGAN, L.L.P.**FAX COVER SHEET**

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To	COMPANY	FAX	PHONE
Examiner N. Rosen	US PTO	703-308-1396	703-305-0753
FROM: Walter G Hanchuk		DATE:	July 9, 2001
PHONE: (212) 415-8508		CLIENT/MATTER:	3553-4018
CONFIRM:		PAGES (INCLUDING COVER):	6

COMMENTS:

Please deliver to Examiner Rosen @ Art Unit 2165

THE DOCUMENT(S) ACCOMPANYING THIS FACSIMILE TRANSMISSION CONTAINS INFORMATION FROM THE LAW FIRM OF MORGAN & FINNEGAN, L.L.P. WHICH IS CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ON THIS TRANSMISSION SHEET. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS FAXED INFORMATION IS STRICTLY PROHIBITED, AND THE DOCUMENT(S) SHOULD BE RETURNED TO THIS FIRM IMMEDIATELY. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY SO THAT WE CAN ARRANGE FOR THE RETURN OF THE ORIGINAL DOCUMENTS AT NO COST TO YOU.

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OFFICIAL

CERTIFICATE OF FACSIMILE TRANSMISSION

Assistant Commissioner for Patents
Washington D.C. 20231
Attn: Examiner Rosen, N.

Sir:

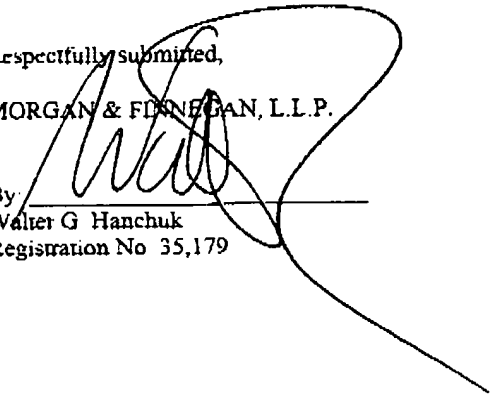
I hereby certify that the attached:

1. Terminal Disclaimer Under 37 C.F.R. 1.321;

(along with any paper(s) referred to as being attached or enclosed); and this Certificate of Facsimile Transmission are being facsimile transmitted to the Commissioner for Patents, Washington, D.C. 20231 (Fax. No. (703) 308-1396) on the date shown below.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By 
Walter G Hanchuk
Registration No 35,179

Dated: July 9 2001

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